

Remarks

Applicant has reviewed the Office Action dated as mailed June 24, 2005, and the documents cited therewith. After the above-amendments have been made, the present application contains claims 1-7, 10-12, 15-19, 26, 35-37, 40, 41, and 43. Claims 1, 15, 17, 19, 35, 40, and 41 have been amended, and claims 14 and 39 have been canceled. Claim 43 has been added. Claims 8, 9, 13, 20-25, 27-34, 38, and 42 are withdrawn.

Objection to the Specification

The specification was objected to for various inconsistencies in nomenclature. Paragraphs [0022], [0026] and [0030] have been amended to correct the inconsistencies. Reconsideration and withdrawal of the objection to the specification is respectfully requested.

Objection to the Drawings

The drawings were objected to as failing to comply with 37 C.F.R. §1.84 (p) (5) because the drawings do not include the reference sign 714. The reference numeral "714" in paragraph [0022] is a typographical error and has been amended to reference numeral "414".

The drawings were further objected to under 37 C.F.R. §1.83(a) in that it is not believed that the "system to brake the wheels" set forth in claim 25 has been illustrated. Applicant respectfully submits that a system to brake the wheels is illustrated generally by reference numeral 834 and brake handles 836 in Figure 8. M.P.E.P. §608.02 V.(n) permits graphical drawing symbols to be used for conventional elements. Additionally, the specification in paragraph [0037] provides that the braking system may be a standard bicycle breaking system with reference to brake system 834 and brake handle 836 in Figure 8. Applicant respectfully submits that Figure 8 and the specification at paragraph [0037] satisfy M.P.E.P. §608.02 V.(n) in that the breaking system may be a conventional element and is adequately identified in the specification.

For all of the reasons discussed above, reconsideration and withdrawal of the objection to the drawings is respectfully solicited.

Claim Rejections under 35 U.S.C. §103

Claims 1-7, 10-12, 26, and 35-37 were rejected under 35 U.S.C. §103(a) as being unpatentable over German Patent DE 3044595, in view of WO 95/20933.

Applicant's attorney wishes to thank the Examiner for pointing out that claims 14-19 and 39-41 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Pursuant to the Examiners suggestion, claim 1 has been amended to include the features of claim 14 and now recites:

“A cart, comprising:
a compartment to retain equipment or items;
a first pair of handles extendable from a one end of the compartment;
a second pair of handles extendable from another end of the compartment,
wherein the first and second pairs of handles permit the cart to be simultaneously pushed and pulled; and
a pair of wheels, each removably mounted to an axle on each side of the compartment; and
a platform mounted to each end of the cart and pivotable between an operative position to support objects and a stowed position to stow the cart.”

Applicant respectfully submits that there is no teaching or suggestion in the documents of record in the present application of a cart in accordance with the present invention as recited in amended claim 1. Accordingly, claim 1, as amended, is submitted to be patentably distinguishable over the documents of record, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of claim 1 is respectfully solicited.

With respect to the rejection of claims 2-7, 10-12 and 26, these claims depend either directly or indirectly from amended claim 1, and by virtue of that dependency contain all of the features of claim 1. Therefore, these claims are also submitted to be patentably distinct over the documents of record, and reconsideration and withdrawal of the Section 103 rejection of these claims is also respectfully solicited.

With respect to the objection of claims 15-19, these claims contain additional features that further patentably distinguish over the documents of record in the present application. Additionally, these claims depend either directly or indirectly from amended claim 1. Because of this dependency, these claims contain all of the features of claim 1. Accordingly, these claims

are submitted to be patentably distinguishable over the cited document, and reconsideration and withdrawal of the objection to claims 15-19 is respectfully requested.

Turning now to the rejection of independent claim 35 under 35 U.S.C. §103(a) as being unpatentable over German Patent DE 3044595, in view of WO 95/20933, claim 35 has been amended to include the features of claim 39 which was indicated as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claim 35 now recites:

“A method of making a cart, comprising:
forming a compartment;
attaching a first pair of handles extendable from one end the cart;
attaching a second pair of handles extendable from an opposite end of the cart,
wherein the first and second pairs of handles permit the cart to be simultaneously pushed and pulled; ~~and~~
removably mounting each wheel of a pair of wheels to an axle on each side of the cart; and
pivotaly mounting a platform to each end of the cart, wherein each platform is pivotal between an operative position to support objects and a stowed position to stow the cart.”

Applicant respectfully submits that there is no teaching or suggestion in the documents of record in the present application of the method of making a cart in accordance with an embodiment of the present invention as recited in amended claim 35. Accordingly, claim 35 is submitted to be patentably distinct over the documents of record, and reconsideration and withdrawal of the Section 103 rejection of claim 35 is respectfully requested.

With respect to the rejection of claims 36 and 37 under 35 U.S.C. §103(a) as being unpatentable over German Patent DE 3044595, in view of WO 95/20933, these claims depend directly from independent claim 35. As a result of this dependency, claims 36 and 37 contain all of the features for claim 35. Therefore, these claims are also submitted to be patentably distinct over the cited documents, and reconsideration and withdrawal of the Section 103 rejection of these claims is respectfully solicited.

Turning now to the objection to claims 40 and 41, these claims contain additional features that further patentably distinguish over the documents of record in the present application. Additionally, these claims have been amended to depend from independent claim 35 which has

been amended to include all of the features of former claim 39. For all of these reasons, claims 40 and 41 are submitted to also be patentably distinguishable over the documents of record, and reconsideration and withdrawal of the objection to claims 40 and 41 is requested.

New claim 43 depends directly from independent claim 1 and because of that dependency contains all of the features of claim 1. Accordingly, claim 43 is submitted to be patentably distinguishable over the cited documents in the present application and allowance of claim 43 is respectfully solicited.

Claims 8, 9, 13, 20-25, 38 and 42 were withdrawn as being readable on a non-elected species. Applicant respectfully submits that claims 8, 9, 13, and 20-25 depend directly or indirectly from independent claim 1 and claims 38 and 42 depend directly or indirectly from independent claim 35. As noted on page 3 of the Office Action, Applicant is entitled to claims drawn toward a non-elected species, provided these claims are dependent upon an allowed generic claim. As discussed above, independent claims 1 and 35 are respectfully submitted to be allowable over the documents of record in the present application. Accordingly, allowance of claims 8, 9, 13, 20-25, 38 and 42 is also respectfully solicited.

Conclusion

For the foregoing reasons, the Applicant respectfully submits that all of the claims in the present application are in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the claims at the earliest possible date are respectfully requested.


If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

Jesse J. Swanner
(Applicant)

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By: 
Charles L. Moore
Registration No. 33,742

Moore & Van Allen
P.O. Box 13706
Research Triangle Park, N.C. 27709
Telephone: (919) 286-8000
Facsimile: (919) 286-8199